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December 18, 2013

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: GN Docket 09-191

Dear Ms. Dortch:

eBay, Inc. executives Tod Cohen, Vice President and Deputy General Counsel, and Richard Nash, Head of Government Relations for the U.S., Canada, and Latin America, together with the undersigned, met yesterday with Amb. Phil Verveer, Gigi Sohn, Dan Alvarez, and Renee Gregory of Chairman Wheeler's office. We also met with Commissioner Mignon Clyburn and her legal advisors Adonis Hoffman, Louis Peraertz, and Rebekah Goodheart. Among a range of topics, Mr. Cohen and Mr. Nash addressed the following issues related to the above-captioned proceeding:

First, eBay's success as a platform for commerce between small businesses and individuals stems from an open Internet architecture. Exclusivity arrangements between incumbent network service providers and their affiliated subsidiaries or other companies offering edge services would pose a direct threat to eBay and the tens of thousands of small businesses using eBay's open architecture. Moreover, eBay has no ability or intention to create its own network facilities or hardware comparable to the incumbent networks over which it offers online marketplaces today. Unlike large retailers that sell over the Internet or online platforms that facilitate commerce for "big box" stores, eBay and PayPal, its online financial payment service, cater mostly to small businesses that are not in a position to establish their own technological platform comparable to eBay's. Maintaining an open Internet therefore is critical to the success of those entrepreneurs, small business operators, and individuals that fuel the billions of dollars changing hands on eBay every year.

Second, eBay's fastest growth today, including PayPal transactions, is through mobile applications. The open Internet must be maintained on wireless, as well as wireline, platforms as more commerce moves through handheld devices and the spectrum regulated by the Commission. In the U.K., eBay's second largest market, roughly half of all transactions close on mobile devices. The U.S. market is not far behind. The Commission must endeavor to preserve an open Internet in the wireless ecosystem if this growth is to be maintained. eBay's experience in other countries helps to illustrate why. In South Korea, for example, even though broadband penetration ranks among the

best in the world, mobile commerce lags far behind other developed nations due to bottlenecks and restrictions placed on mobile financial transactions. A failure to maintain the wireless open Internet here in the U.S. could portend similar results for Americans.

Moreover, given the above-average mobile penetration in Latino, African American, and other minority communities, and eBay's ability to lower barriers and facilitate financial transactions to historically unserved or underserved populations, preserving the wireless open Internet is critical to expanding opportunities and the benefits of online commerce to all corners of the U.S. For these and other reasons, eBay believes that the Commission's open Internet standard for wireline networks should apply equally to wireless ones.

Sincerely,

/s/

David R. Goodfriend

cc:

Commissioner Mignon Clyburn
Philip L. Verveer
Gigi B. Sohn
Daniel K. Alvarez
Renee R. Gregory
Adonis E. Hoffman
Louis Peraertz
Rebekah Goodheart